

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Senator Steve Gallus, on March 20, 2009 at
3:00 P.M., in Room 405 Capitol

ROLL CALL

Members Present:

Sen. John Esp, Chairman (R)
Sen. Jeff Essmann, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Steven Gallus (D)
Sen. Verdell Jackson (R)
Sen. Jesse Laslovich (D)
Sen. Bruce Tutvedt (R)

Members Excused: Sen. Ron Erickson (D)
Sen. Kim Gillan (D)

Members Absent: None

Staff Present: Leanne Heisel, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 156, 2/21/2009; HB 321,
2/23/2009; HB 546, 3/2/2009

Executive Action: SB 433 ~ RECONSIDER MOTION FAILED

HEARING ON HB 321

Opening Statement by Sponsor:

00:00:22 Rep. Jill Cohenour (D), HD 78, opened the hearing on HB 321, Clarify local government authority regarding public water and sewer.

Proponents' Testimony:

00:02:24 Myra Shults, Consultant Land Use Attorney, Montana Association of Counties (MACo)
00:03:10 Steve Kilbreath, Department of Environmental Quality (DEQ)
00:04:01 Tim Davis, Montana Smart Growth Coalition (SGC)
00:04:41 Tim Burton, City Manager, Helena, also speaking for the Helena City Commissioners and Alec Hansen, League of Cities and Towns
00:04:59 Krista Lee Evans, Association of Gallatin Agricultural Irrigators (AGAI)
00:05:13 Mark Aagenes, representing Montana Trout Unlimited

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:06:03 Sen. Barkus
00:06:57 Myra Shults, MACo
00:08:07 Tim Davis, SGC
00:08:32 Sen. Essmann
00:10:44 Myra Shults
00:12:21 Sen. Esp
00:13:20 Steve Kilbreath, DEQ
00:13:47 Sen. Esp
00:14:09 Myra Shults
00:16:03 Sen. Esp
00:16:38 Rep. Cohenour
00:19:11 Sen. Esp
00:19:27 Rep. Cohenour
00:19:49 Sen. Tutvedt
00:20:20 Rep. Cohenour
00:22:36 Sen. Essmann
00:23:06 Rep. Cohenour
00:23:55 Vice Chair Gallus
00:24:20 Tim Davis
00:25:04 Sen. Jackson
00:25:55 Tim Davis

Closing by Sponsor:

00:27:52 Rep. Cohenour

HEARING ON HB 546

Opening Statement by Sponsor:

00:29:53 Rep. JP Pomnichowski (D), HD 63, opened the hearing on HB 546, Prohibit covenants restricting certain political speech.

Proponents' Testimony:

00:35:50 Rep. Franke Wilmer, HD 64 speaking for David Parker, Assistant Professor of Political Science at Montana State University

EXHIBIT (los62a01)

00:40:50 Niki Zupanic, Public Policy Director, ACLU of Montana

00:39:37 Sen. Gillan arrived at committee meeting

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:44:47 Sen. Barkus
00:45:59 Niki Zupanic, ACLU
00:48:47 Sen. Barkus
00:49:56 Niki Zupanic
00:50:44 Sen. Jackson
00:51:09 Niki Zupanic
00:53:39 Sen. Essmann
00:54:30 Rep. Pomnichowski
00:59:14 Sen. Esp
01:00:13 Rep. Pomnichowski
01:01:36 Sen. Esp
01:02:08 Rep. Pomnichowski
01:03:35 Sen. Tutvedt
01:03:54 Sen. Laslovich
01:04:15 Rep. Wilmer
01:06:44 Sen. Barkus
01:07:49 Rep. Wilmer
01:08:18 Sen. Tutvedt
01:08:50 Rep. Pomnichowski
01:10:17 Vice Chair Gallus
01:11:11 Niki Zupanic

Closing by Sponsor:

01:14:00 Rep. Pomnichowski

HEARING ON HB 156

Opening Statement by Sponsor:

01:17:38 Rep. JP Pomnichowski (D), HD 63, opened the hearing on HB 156, Uniform penalty and enforcement for zoning violations.

Proponents' Testimony:

01:20:50 L. Harold Blattie, Executive Director, Montana Association of Counties (MACo)

EXHIBIT(los62a02)

Opponents' Testimony:

01:23:16 Daniel Cox, self

01:26:01 Jan Wisniewski, Valley County Planning Board member

01:28:37 George Culpepper, self (Flathead Planning Board Member)

Informational Testimony: None

Questions from Committee Members and Responses:

01:29:34 Sen. Gillan

01:30:15 L. Harold Blattie, MACo

01:34:26 Sen. Tutvedt

01:35:00 L. Harold Blattie

01:35:18 Myra Shults, MACo

01:38:58 Sen. Esp

01:39:16 Myra Shults

01:41:02 Sen. Esp

01:41:23 L. Harold Blattie

01:42:00 Vice Chair Gallus

01:42:41 L. Harold Blattie

01:43:20 Sen. Barkus

01:44:21 Rep. Pomnichowski

01:44:48 Sen. Jackson

01:46:14 Rep. Pomnichowski

01:47:29 Sen. Essmann

01:48:16 Myra Shults

01:48:58 Vice Chair Gallus

01:49:23 Leanne Heisel, Legislative Services Division (LSD)

Closing by Sponsor:

01:49:38 Rep. Pomnichowski

01:52:25 Senator Esp resumed Committee Chairman responsibilities.

EXECUTIVE ACTION ON SB 433

01:52:56 **Motion:** Sen. Essmann moved to **RECONSIDER PREVIOUS ACTION** on **SB 433**.

Discussion:

01:53:16 Sen. Gillan

EXHIBIT(los62a03)

01:55:52 Chairman Esp

01:56:29 Sen. Tutvedt

01:56:53 **Vote:** Motion failed 2-6 by roll call vote of those present and voting with Sens. Barkus and Esp voting aye.

ADJOURNMENT

Adjournment: 5:07 P.M.

Debra Polhemus, Secretary

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Additional Documents:

EXHIBIT ([los62aad.pdf](#))